

# DELEGATED REPORT

**Application No:** P/22/0147

**Site Address:** Thomastown Park  
Queens Road  
Twynyrolyn  
Merthyr Tydfil  
CF47 0HE

**Development:** Siting of a mobile catering facility

**Case Officer:** Caroline Pulley

**Site Visit:** 9th June 2022

**Application Expiry Date:** 3rd August 2022

**Consultation reply date expired:** 30th June 2022

## APPLICATION SITE

The application site comprises a section of a footpath located in Thomastown Park. Specifically, the area of footpath which forms part of the application is located the west of a small paddling pool in the northern aspect of the park. The footpath forms a circular route around a large central grass area. It is bound by a low stone wall and vegetation to the rear and a large grass area to the front.

## PROPOSED DEVELOPMENT

This application seeks planning permission for the siting of a mobile catering unit and an associated outdoor seating area comprising three small tables and chairs. The information provided by the applicant states that the mobile catering unit would operate between the hours of 08:00 and 18:00 each day and would be removed from site at the end of each day.

## PLANNING HISTORY

There is no recent planning history relevant to the consideration of this application.

## CONSULTATION

**Head of Engineering:** No objection.

**Environmental Health Manager:** No response.

**Ecologist:** No objection.

## PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

## POLICY CONTEXT

### National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

#### TAN 24 - The Historic Environment

Section 1.14 of TAN 24 refers to conservation principles and '*... recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...*'

### Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW10 – Protecting and Improving Open Spaces

Policy SW11 – Sustainable design and Placemaking

Policy CW1 - Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species  
Policy EnW4 – Environmental Protection

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design  
Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Conservation

## PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by the LDP Proposals Map. Therefore, the principle of development is considered acceptable and is generally supported by Policy SW4 of the LDP, provided that the proposal is compatible with other relevant policies and material planning considerations. Thus, the main issues to be considered when determining this application are:

- The impact of the development on the character and appearance of the area and the Thomastown Conservation Area.
- The impact of the development on the amenity of neighbouring residents.
- The highway/pedestrian safety implications of the development.
- Ecology.

From a land use point of view, it is acknowledged that the proposal would introduce a catering use outside of a defined town centre /local centre. However, in this instance, the facility is so small that it is unlikely, given its size, to have a harmful impact upon the vitality or viability of the town centre or any other centre. Moreover, the catering unit would primarily serve the visitors of the park and is unlikely to compete with similar uses in the nearby local centres. As such, the application is considered acceptable from a land use and policy perspective.

In terms of visual amenity, the catering unit would be mobile in nature and would be taken away from the park each night. Furthermore, units such as these (i.e. catering vans, ice creams vans etc) are often found in local parks and their presence often contributes to the enjoyment of these facilities. It is also acknowledged that the catering unit would be set well back from the main entrance gates of the park and would therefore it would not have any harmful impact on its frontage which opens onto Queens Road. Taking into account the mobile nature of the use, its siting within the northern aspect of the park, the proposal is considered to preserve the character and appearance of Thomastown Conservation Area.

In terms of highway safety, the means of pedestrian access serving the site would remain unchanged by this proposal. While it is acknowledged that the proposed catering vehicle/pod and seating area would cover part of a footpath, the Head of Engineering has not objected to the application and a minimum footpath width of 2m would be maintained to the front of the proposed catering unit and seating area. Therefore the proposal is considered to comply with Policy SW11 in this respect.

Regard has been had for the impact of the development on the amenities of the surrounding occupants and residents. It is considered that the application site is not close enough to any dwellings to result in any impact. The development is therefore considered to comply with Policy SW11 of the LDP in this respect.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

**RECOMMENDATION: BE APPROVED subject to the following CONDITIONS**

**CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

**Reason** - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Site location plan received on 07.06.2022

Block plan received on 07.06.2022

**Reason** -To ensure compliance with the approved plans and clearly define the scope of the permission.

**INFORMATIVES**

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.  
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



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Head of Town Planning

DATE:

20/7/22